

31215

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TABITHA GRIZALES,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 21 L 6671
)	
PHILIP HAIDET,)	
)	
Defendant.)	
_____)	

DEFENDANT, PHILIP HAIDET,
NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §§ 1332, 1441, AND 1446

Defendant, PHILIP HAIDET, (“Haidet”) by his attorneys, THE HUNT LAW GROUP, LLC., hereby gives notice that this action has been removed from the Circuit Court of Kane County, Illinois County Department, Law Division, to the United States District Court for the Northern District of Illinois Eastern Division, pursuant to 28 U.S.C §§ 1332, 1441, and 146, and respectfully states as follows:

1. On November 15, 2021, the plaintiff TABITHA GRIZALES, (“Grizales”) filed a civil complaint captioned TABITHA GRIZALES v. PHILIP HAIDET. Case No. 21L-000545 in the Circuit Court of Kane County, Illinois County Department, Law Division against Haidet. (See the Complaint attached hereto as Exhibit 1.)

2. Grizales’ complaint, *inter alia*, alleges that Haidet owed Grizales a duty and breached that duty by negligently and carelessly failed to operate his motor vehicle in a manner necessary to avoid colliding with others and, as a result of the alleged negligent acts, Haidet caused Grizales damages. (See Exhibit 1, generally, ¶¶ 8-11.)

3. Grizales' Complaint alleges this accident occurred at the intersection of N. Randall Road at the entrance ramp to Westbound Interstate-90 (See Exhibit 1 at ¶ 3.)

4. Mr. Haidet advises that on or about November 24, 2021, a sheriff visited the abode he shares with his parents. Thereafter, Mr. Haidet received an email of the summons and complaint from plaintiff's counsel. Plaintiff's counsel has been unable to provide an affidavit of service upon Mr. Haidet. Accordingly, counsel for Mr. Haidet are filing this notice of removal within thirty (30) days of the filing of plaintiff's complaint in an overabundance of caution.

5. Plaintiff Grizales is an Illinois resident domiciled in the Village of Algonquin, County of McHenry, State of Illinois. (See Exhibit 1.)

6. Defendant Haidet is a Kentucky resident domiciled in City of LaGrange, County of Oldham, State of Kentucky.

7. Complete diversity exists in this case between Haidet, a Kentucky resident domiciled in Kentucky, and Grizales, an Illinois resident domiciled in Illinois.

8. In Grizales' Complaint at Law, she asserts a claim for negligence. (See, generally, Exhibit 1.)

9. Grizales' Complaint at Law seeks damages in excess of \$100,000, plus cost of suit. (See Exhibit 1.)

10. This Notice of Removal is filed by this Defendant within thirty (30) days from the date on which this action became removable and within one year of the Plaintiff's Complaint.

11. Defendant represents to this Honorable Court that true and correct copies of all process, pleadings, and orders served by or upon the Defendant in this case are attached in conformity with the requirements of 28 U.S.C §§ 1446(a). (See Exhibit 2.) Defendant further represents to this

Court that there are no other process, pleadings, or orders properly served upon the Defendant to date in this case that have not been attached hereto.

12. Defendant represents to this Honorable Court that written notice of the filings of this Notice of Removal and a copy of this Notice of Removal have been served upon the Plaintiff, by and through their counsel of record, contemporaneous with this filing.

13. The United States District Court for the Northern District of Illinois, Eastern Division, is the Court and division embracing the place where this action is pending in the Circuit Court of Kane County, Illinois County Department, Law Division.

14. Defendant Haidet has prepared an Answer to the Plaintiff's Complaint at Law. (See Defendant Haidet's proposed Answer to the Plaintiff's Complaint at Law attached hereto as Exhibit 3.)

15. This cause of action is properly removeable under 28 U.S.C § 1441(a) and (b) because the United States District Court has original jurisdiction of this case under 28 U.S.C. § 1332(a), as amended, which provides in pertinent part:

The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—citizens of different states....

See 28 U.S.C § 1332(a).

16. Diversity jurisdiction requires that the plaintiff and defendant be of diverse citizenship, that is, citizens of different states. 28 U.S.C. §§ 1332(a)(1) and 1441(a). A party's domicile, rather than residence, determines citizenship. Dausch v. Rykse, 9 F.3d 1244, 1245 (7th Cir. 1993).

17. Complete diversity exists in this case between Grizales, an Illinois resident domiciled in Illinois, and Haidet which is a resident of Kentucky domiciled in Kentucky. (See Exhibit 1; see also Exhibit 2.)

18. The district Courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000. See 28 U.S.C §1332(a).

19. The Complaint at Law filed by Grizales against Haidet alleges an amount in controversy, for which Grizales alleges damages in excess of \$100,000. (See Exhibit 1.) The plaintiff also sent her settlement demand letter seeking \$130,000. (See Settlement demand with letter, exclusive of exhibits, attached hereto as Exhibit 4.)

20. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332, and this action may be removed to this Court by the defendant pursuant to 28 U.S.C. § 1446(a), because it is a civil action between citizens of different states, the matter in controversy exceeds \$75,000 exclusive interest and costs, and this Court is the District Court of the United States for the district and division encompassing the place where the action is pending.

21. This Notice of Removal is being filed within the thirty (30) day deadline as prescribed by 28 U.S.C. § 1446(b).

22. Attached to this filing are certified copies of all pleadings and orders that have been filed in the state court action. (See Exhibit 2.)

23. Promptly after filing this Notice of Removal, the defendant will file a true and accurate copy of this Notice of Removal with the clerk of the Circuit Court of Kane County, Illinois County Department, Law Division. Written notice of the filing will also be provided to Plaintiff's counsel as required by 28 U.S.C § 1446(d).

WHEREFORE, the defendant, PHILIP HAIDET., hereby give notice that this matter captioned TABITHA GRIZALES v. PHILIP HAIDET, Case No. 21-L-000545, which was filed in the Circuit Court of Kane County, Illinois County Department, Law Division, is removed to the United States District Court for the Northern District of Illinois Eastern Division.

THE DEFENDANT DEMANDS A TRIAL BY JURY

Respectfully submitted,

The Hunt Law Group, LLC.

/s/ *Brian J. Hunt*

Brian J. Hunt

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